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November 18, 2013

Via ECF and Federal Express

The Honorable John E. Jones, III
U.S. District Court
Middle District of Pennsylvania
228 Walnut Street, P.O. Box 983
Harrisburg, PA 17101

Re: *Whitewood, et al. v. Wolf, et al.*, No. 13-cv-1861 (M.D. Pa.)

Dear Judge Jones:

Plaintiffs respectfully submit this letter to address two issues in this matter.

First, Plaintiffs request that the Court lift the stay of discovery previously ordered by the Court on October 9, 2013 (Dkt. No. 49). When the Court stayed discovery at the time of the October 9 Case Management Conference, Plaintiffs' first set of document requests and interrogatories already were pending to Defendant Secretary of Health, Michael Wolf, and Defendant Register of Wills, Donald Petrille, Jr., and other since dismissed defendants. When discovery re-commences, Defendants Wolf and Petrille will have 13 additional days to respond to the pending discovery, which Plaintiffs originally served on September 19, 2013. In addition to receiving responses to the pending discovery, Plaintiffs intend to propound forthwith discovery upon Defendant Secretary of Revenue, Dan Meuser, and serve subpoenas upon certain other entities and individuals.

Second, to account for the approximately 5 1/2 week period during which discovery has been stayed pending the briefing and disposition of Defendants' motions to dismiss, Plaintiffs amend their requested pretrial and trial schedule. Consistent with the other terms requested and the reasons stated by Plaintiffs in the Joint Case Management Plan (Dkt. No. 38, filed October 4, 2013), Plaintiffs respectfully now request that the Court enter a scheduling order consistent with the following dates:

All fact discovery to be completed by:	January 10, 2014
Dispositive motions to be filed by:	As determined by the Court, after a party demonstrates good cause why the Court should hear such a motion
Simultaneous exchange of Fed. R. Civ. P. 26(a)(2) expert disclosures and reports:	January 10, 2014

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Simultaneous exchange of Fed. R. Civ. P. 26(a)(2) rebuttal expert disclosures and reports:	February 14, 2014
All expert discovery, including depositions, commenced in time to be completed by:	March 14, 2014
Pretrial conference:	March 19, 2014
Trial to commence on:	March 31, 2014

Plaintiffs note that this amended proposed trial date is 266 days after Plaintiffs commenced this action. For the reasons addressed in section 6 of the Joint Case Management Plan, and because this is approximately one month longer than the standard 240 day track for trials in the Middle District, Plaintiffs' respectfully submit that commencing trial not later than March 31, 2014 is both appropriate and necessary.¹

Consistent with the Court's Order of November 15, 2013, Plaintiffs will be "fully prepared to engage in a discourse regarding" these dates and "the commencement date of a bench trial," during the November 22 conference with the Court.

Thank you for Your Honor's attention to this matter.

Respectfully,



Mark A. Aronchick

Witold J. Walczak, Esquire
American Civil Liberties Union Foundation
of Pennsylvania

Leslie Cooper, Esquire
American Civil Liberties Union Foundation

cc: William H. Lamb, Esquire (via ECF and email)
 Nathan D. Fox, Esquire (via ECF and email)

¹ Plaintiffs note that Easter will occur on Sunday, April 20, 2014, with other Easter-related observances occurring the week prior, and Passover will be April 15-22, 2014. Plaintiffs believe that commencing trial on or before March 31, 2014 will allow sufficient time to complete trial before these holidays. However, to the extent the Court schedules trial to commence after March 31, 2014, Plaintiffs request that the Court not hold any trial days between April 15-22, 2014.